

No. 11841

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United States  
Court of Appeals  
for the Ninth Circuit

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ED DE BON,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

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SECOND SUPPLEMENTAL  
Transcript of Record

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Appeal from the United States District Court  
for the Northern District of California,  
Southern Division

**FILED**  
DEC 10 1948



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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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In the Southern Division of the United States  
District Court for the Northern District of  
California

Before Honorable George B. Harris, Judge.

No. 30881-H

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ED DeBON,

Defendant.

Tuesday, July 29, 1947

Appearances: For the United States: Edgar  
Bonsall, Esq., Assistant United States Attorney.  
For the Defendant Chauncey Tramutolo, Esq., [1\*]

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## FRANK A. CHAMBERS

called as a witness on behalf of the United States, sworn.

The Clerk: Q. Will you state your full name to the Court and jury?

The Witness: Frank A. Chambers.

## Direct Examination

Mr. Bonsall: Q. What is your occupation, Mr. Chambers?

A. I am Chief of the Veterans Branch of the Priorities Division of the War Assets Administration.

Q. Were you formerly employed by the War Assets Corporation? A. I was.

Q. The War Assets Corporation is now the War Assets Administration, is that so?

A. That's correct.

Q. When did that change take place?

A. That change took place, I believe, on March the 26th, 1946.

Q. How long had you been in the employ of the War Assets Corporation.

A. Well, from its inception. The War Assets Corporation was the predecessor to the War Assets Administration, and prior to that the Smaller War Plants Corporation was the predecessor to that. I was with the agency from January 1946 to the present time.

Q. What are your duties?

A. As Chief of the Veterans Division, I am responsible for the [2] regulations, the administra-



(Testimony of Frank A. Chambers.)

tion of priorities, the issuance of priorities to veterans.

Q. Would that include the issuance of priorities to veterans for motor vehicles?

A. That would include that, yes, sir.

Q. Now, will you explain to the Court and jury what you mean by veterans' priorities?

A. Well, Congress, when the Surplus Property Act was passed, extended to veterans of World War II a special privilege for the purchase of surplus commodities. This privilege or priority was extended to other special groups also, and a system of priorities or sequence of priorities was established by Congress when the Act was passed.

Q. Will you explain that sequence of priorities in so far as this related to veterans of World War II?

A. Well, the veterans of World War II are extended a priority sequence in No. 2 place. They are preceded only by the Federal Government. The Federal Government has the top priority. The veterans of World War II are in second place in the purchase of surplus commodities.

Q. Will you state to the Court and jury what advantages there are to the holders of veterans' priorities under that priority system?

Mr. Tramutolo: Just a moment. To which we object, if your Honor please, that it is interpretation by an administrative [3] officer. That is a matter of law.

The Court: Sustained.

(Testimony of Frank A. Chambers.)

Mr. Bonsall: Withdraw it.

The Court: Objection sustained.

Mr. Bonsall: Q. Will you explain the method by which veterans obtain priorities, the mechanical procedure they go through to obtain a priority?

A. A veteran, in order to secure a priority, must make formal application. That application form is form No. 66. On this application the veteran must show the nature—

Mr. Tramutolo: Just a moment, Mr. Chambers. If your Honor please, that calls for interpretation of the document itself.

The Court: This is merely a procedural outline. The witness may testify to the procedure.

Mr. Tramutolo: I will withdraw the objection if that is the purpose.

Mr. Bonsall: Q. Proceed with your reply.

A. The veteran must make application on form 66, in which he outlines the nature of his business and the commodities and dollar amount of surplus he requests. That application then is turned over or taken by him to an interviewer, who screens the application and also checks when the veteran on some proof that the applicant or that the man requesting the surplus is a veteran of World War II. He looks at discharge papers or any other [4] required proof. He ascertains primarily that the items requested are necessary in the particular type business and that the amount requested is commensurate with the size of the enterprise, and required by regulations. If found approvable, the

(Testimony of Frank A. Chambers.)

interviewer will approve such application. It is then turned over to typists, where form 63, or the pink slip, is issued to the veteran. This form 63 or pink slip the veteran retains in his possession, and it is his proof and indication that he has met the qualification for veterans' priority.

Q. Now, you have different types of sales, have you not?      A. That's correct.

Q. What different types of sales do you hold?

A. Well, in general, there are two major types of sales. There is the type sale that is extended to all priority holders in sequence. That is the sale where material is offered and specific dates set for all priority purchases. That would include the Federal Government, the World War II veterans, the RFC, Small Business; then you have the State and Counties and municipalities, non-profit institutions and subsequently that material will be offered to the general public if there is any residue.

Q. Well, you had two types of sales as regards point of time, did you not?

A. That's correct.

Q. What are those two types of sales? [5]

A. Well, there is generally the sale to priority holders as outlined, and the other sale would be the so-called set-aside sale. That would be the sale only to veterans of World War II.

Q. As an employee of the War Assets Administration, do you have the joint custody of their records?      A. I do.

Q. You were asked to produce here today the

(Testimony of Frank A. Chambers.)

record of the sale of a Chevrolet truck to Oscar Csaki. Do you have that record with you?

A. I believe I do.

Q. Are all of the papers in relation to this sale of the Chevrolet truck to Oscar Csaki contained in that particular folder?

A. I have in a folder—I have the papers of the consummation of the sale, but in conjunction I also have the preceding documents of the application.

Q. What I mean to say, do you have two separate folders, one for three White trucks sold to Mr. Csaki?

A. That's correct.

Q. And one for the Chevrolet?

A. That's correct.

Q. Now, what documents appear in this folder regarding the sale of the Chevrolet to Mr. Csaki? Will you give them in their order?

A. Well, certification having been obtained, the veteran Csaki [6] made out a mail order request for surplus property dated July the 8th for one Chevrolet truck.

Q. I notice that this is form WAASF29, dated July 8, 1946, and is addressed to the Chief, Veterans Preference Unit, War Assets Administration, 1540 Market Street, San Francisco 2, California. "If available, I desire to purchase: 1. Indicate number, the items listed below in order of my preference and offered at sale number 45378, whose sale date is"—July, is that?, 25, 1946—or is that June?

A. That is June.

Q. Can you identify that sale number 45378?



(Testimony of Frank A. Chambers.)

A. I think I have the original brochure here of sale 45378, which is a sale of trucks and trailers, a set-aside of trucks and trailers, that began on June 25.

Q. And was limited to veterans only, is that correct?      A. That's correct.

Q. I notice further here the joint sequence War AA Declaration No. CRO, file number 56296; what does that represent?

A. That represents the specific vehicle as listed in the catalogue.

Q. Have you located it in the catalogue?

A. The tag number here is No. 81.

Q. Tag No. 81, item No. 289, page No. 26, price \$1,125.96.

A. What is the item number? Item No. 289? 81, tag number 81, 1942 4x4 model G7013, ton and a half Chevrolet. [7]

Q. I notice here the name of—

A. This is a residual item, it wasn't entered at the time of the original allegation.

Mr. Tramutolo: Now, then, if your Honor please, if that is not the original and there are any notations on there—

The Court: You mentioned one residual item?

The Witness: This item was a residual item that was bought after the sale was opened and the original allocation made. A set-aside sale is only to veterans on a specific date. On the orders received on that date the allocation is made and any residual is retained by the Section, the Automotive

(Testimony of Frank A. Chambers.)

Section, and sold over the counter to any qualified World War II veteran.

Mr. Bonsall: Q. Sold from the catalogue by identification as to catalogue tag number and page?

A. That's right.

The Court: Objection overruled.

Mr. Bonsall: "I hereby certify that I have personally inspected the aforesaid items as listed and understand that all purchases are on 'as is and where is' basis without recourse. I am prepared to make payment upon notification of award and request for payment."

It purported to be signed by one Oscar Csaki by J. S. H., I guess it is.

Q. You don't know that signature, of course?

A. I do not.

Q. Now, I notice at the bottom of this form S35617, C28617; do those numerals have any significance?

A. I am not aware of their significance.

Mr. Bonsall: All right. Down in the lefthand corner, "Oscar Csaki, 75 Roderick Street, San Francisco." I ask that this be marked for identification.

The Court: So ordered. Government's No. 1 for identification.

Gentlemen, we have reached the noon hour. We will take the noon adjournment promptly at 12:00 o'clock and reassemble promptly at 2:00 o'clock. It may be during the noon hour you can, with re-

(Testimony of Frank A. Chambers.)

spect to documentary proof, go over these matters if so advised, Mr. Bonsall.

Mr. Tramutolo: And stipulate what may be introduced. I will be very glad to do that.

The Court: And disputed items, we will hear them out.

Mr. Tramutolo: I am entirely in accord with that.

The Court: Perhaps we can eliminate about half our trial time.

Ladies and gentlemen of the jury, we are about to adjourn for the noon recess. Please bear in mind the usual admonition of the Court not to discuss this case among yourselves or suffer or permit anyone to discuss it with you until it is finally submitted to you.

We will now take the noon recess. [9]

Afternoon Session

Tuesday, July 29, 1947—2:00

The Clerk: United States of America vs. Ed DeBon, on trial.

Mr. Tramutolo: Ready, your Honor.

Mr. Bonsall: Ready, your Honor.

The Court: You may proceed, gentlemen. It is stipulated the jurors are all present?

Mr. Bonsall: So stipulated.

Mr. Tramutolo: Yes, your Honor.

The Court: Proceed.

Mr. Bonsall: Mr. Chambers.

The Court: Have you narrowed the exhibits to a point where we can save time?

(Testimony of Frank A. Chambers.)

Mr. Bonsall: I think so, your Honor. I will have to have them identified, of course. I think we stipulated to what exhibits could be introduced. If I am in error, counsel will correct me.

The Clerk: The witness on the stand is Frank A. Chambers, previously sworn.

Mr. Bonsall: Could we have a stipulation, Mr. Tramutolo, that the records of the Chevrolet truck now in possession of this witness relate to the truck charged in the indictment?

Mr. Tramutolo: Well, if you say they do, I will stipulate.

Mr. Bonsall: Well, they do. Will you so stipulate? [10] Will you further stipulate that the records in the possession of this witness as to the three White trucks relate to the three White trucks the subject of this indictment?

Mr. Tramutolo: If the witness testifies that is so, I will so stipulate, your Honor.

I take it you would, Mr. Chambers?

The Witness: That is correct.

Mr. Tramutolo: I will so stipulate.

Mr. Bonsall: Q. Mr. Chambers, you have the folder relating to the Chevrolet truck purchased by Mr. Csaki; will you identify the records in that folder in their order?

A. Well, the remaining documents—

Q. No. 1 has been introduced.

A. Introduced, it was the offer to purchase by the veteran.

Q. An offer to purchase?



(Testimony of Frank A. Chambers.)

A. The offer to purchase when acceptable, puts the machinery in operation that creates an invoice that is typed identifying the specific truck. This invoice or sales document was made out on July 8, 1946 and refers to a ton and a half Chevrolet truck. It is described in the document. This was also paid for on July 9, 1946. Payment was made to the cashier in the Regional Office of the War Assets Administration.

Q. Is there an endorsement on the back of that form?

A. There is an endorsement here showing that the item was purchased under veterans' preference, it is so stipulated, as [11] signed Oscar Csaki.

Mr. Bonsall: I ask that this be marked at this time for identification as the exhibit next in order.

The Court: So ordered.

The Clerk: Government's Exhibit No. 2 for identification.

(Thereupon the form in question was marked

United States Exhibit No. 2 for identification.)

The Witness: I have another document here which is a copy of the original sales invoice just submitted. This copy is the blue copy, or sales copy, which is turned over to the veteran at the time of the purchase and enables him to secure the property at the place at which the property is located, and it is surrendered to the custodian at the place.

Mr. Bonsall: Q. Does that relate to the same truck as the preceding documents?

(Testimony of Frank A. Chambers.)

A. It does.

Mr. Bonsall: I ask that this be marked for identification as Government's exhibit next in order.

The Court: So ordered.

The Clerk: Government's Exhibit 3 for identification.

(Thereupon the blue copy of sales invoice in question was marked United States Exhibit No. 3 for identification.)

The Witness: The remaining documents pertaining to the Chevrolet ton and a half is a copy of the bill of sale issued to Oscar Csaki for the purchase of that. [12]

Mr. Bonsall: Q. Does that show motor number and description of the truck? A. It does.

Q. What is the motor number?

A. Chevrolet name engine BV488492, serial number 9E22-4254. Body type, serial E5, Gunnery trainer, manufactured in the year 1942, model No. G7013.

Q. And what is the date of that bill of sale?

A. It was signed July 8, 1946.

Mr. Bonsall: I ask that this be marked in evidence as Government's exhibit for identification.

The Court: So ordered.

The Clerk: Government's Exhibit 4 for identification.

(The bill of sale in question was thereupon marked Government's Exhibit No. 4 for identification.)

(Testimony of Frank A. Chambers.)

Mr. Bonsall: Q. Mr. Chambers, have you a folder relating to the purchase of three White trucks by a man by the name of Csaki?

A. I have.

Q. Do you have that folder? A. I do.

Q. What documents are in that folder relating to the sale of these three trucks?

A. Mail order request for the purchase of surplus property, form SF29, date 7-8—July 8, 1946, relates to sale No. [13] 45468, which sale date was July 12. It was a request for three trucks and was signed by Oscar Csaki.

Q. Can you identify this particular sale, sale No. 45468 on July the 12th?

A. I have the catalogue or brochure for sale number 45468 here in my possession.

Q. And can you find the three trucks, War Assets Administration 16,300, 16,301, and type No. 614—617—and 540 in that brochure?

A. Type No. 614, 617 and 540, I can.

Mr. Bonsall: I ask that this be marked Government's Exhibit next in order for identification.

The Court: So ordered.

The Clerk: Government's Exhibit No. 5 for identification.

(Catalogue for sale number 45468 referred to was thereupon marked Government's Exhibit No. 5 for identification.)

The Court: What are the documents you have in addition supplemental to that?

The Witness: In addition to the request for the

(Testimony of Frank A. Chambers.)

purchase, I have here veteran's preference certificate, form No. 63, or the pink slip.

The Court: Is that issued in each instance?

The Witness: That is issued in each instance.

The Court: That is a condition precedent to delivery, is it? [14]

The Witness: This is a form that is issued as a result of the application.

The Court: All right.

The Witness: Which the veteran retains.

The Court: You have examined those documents, counsel?

Mr. Tramutolo: Yes.

The Court: All right, proceed.

The Witness: This must be turned in when the order is filed or prior to the consummation of the sale. The certificate here indicates on the back that the three White trucks, tags 614, 617 and 540, were sold in sale 45468 on July 12, 1946.

The Court: Sold to whom?

The Witness: To the veteran Oscar Csaki on the face of it.

Mr. Bonsall: All right.

The Court: Next in order for identification.

Mr. Bonsall: Next in order for identification.

The Clerk: Government's Exhibit 6 for identification.

(Form No. 63, pink slip, referred to was thereupon marked United States Exhibit No. 6 for identification.)

The Witness: I have then a form WAASF-22,



(Testimony of Frank A. Chambers.)

which is the report of an award on these three trucks to veteran Oscar Csaki. It indicates to the Sales Section that they are to prepare the necessary sales documents.

Mr. Bonsall: Q. And what is the date of that?

A. The date of this is July 13, 1946. It also shows that the veteran had been notified of his award.

Mr. Bonsall: I ask that this be marked Government's exhibit next in order for identification.

The Court: So ordered.

The Clerk: Government's Exhibit No. 7 for identification.

(Form WAASF-22, report of award of three trucks, was thereupon marked United States Exhibit No. 7 for identification.)

The Witness: I next have three sales documents or invoices, one for each of these three White trucks. The dates on these are July 17, 1946. They describe these trucks and show the amount of money due the Government for them. They further show that payment was made to the cashier in the Regional Office on July 24, 1946.

Mr. Bonsall: I ask that these be marked as one exhibit for identification.

The Court: So ordered, as one exhibit.

The Clerk: They are marked Government's Exhibit 8 for identification.

(Sales documents for three White trucks were thereupon marked United States Exhibit No. 8 for identification.)

(Testimony of Frank A. Chambers.)

The Witness: Then we have the three blue copies for the same transaction, sales documents, blue copy of the sales documents, the same transaction; they are dated July 17, 1946, and show that they were paid for on July 24, 1946. [16]

Mr. Bonsall: Q. By the way, where do those blue copies—how do they reach your file?

A. These are turned over to the veteran at the time he makes payment for the trucks, and he takes this document to the place where the truck is located, picks up his truck and turns over this document to the custodian at the field, who in turn then routes them back to our files so we know that the transaction has been completed.

Mr. Bonsall: I ask that these three documents be marked as one exhibit in evidence—pardon me, your Honor, just a moment.

The Court: You might indicate that on these delivery receipts they appear to be signed by Oscar Csaki by Jack—

The Witness: Jack Payne.

The Court: Jack Payne?

The Witness: That is correct.

Mr. Bonsall: I ask that they be marked as one exhibit for identification.

The Court: Next in order, Government's Exhibit for identification.

The Clerk: Marked Government's Exhibit 9 for identification.

(Delivery receipts in question were thereupon marked United States Exhibit No. 9 for identification.)

(Testimony of Frank A. Chambers.)

The Witness: Then I have copies of the bill of sale for [17] these three White trucks dated July 17th, 1946.

Mr. Bonsall: Q. Now, will you furnish the engine and motor number and description of those three White trucks?

Mr. Tramutolo: I will stipulate to it.

Mr. Bonsall: I want it in the record, if you please. I would like it in the record.

A. The first here is White truck—this is type No. 540—it is a White truck, engine No. HXC-324938, serial number 250526, body type, van truck, year manufactured 1942, model No. 666.

Then I have a bill of sale for item—

Mr. Bonsall: Q. Copy of the bill of sale?

A. Copy of the bill for sale for item No. Tag 617. The make is White truck, engine No. HXC-326143, serial number 251062, body type van, year manufactured 1942, model No. is 666.

Then I have a copy of the bill of sale for item No. Tag 614. The make is White, engine No. HXC-326565, serial number 251197, body type van, year manufactured 1942, and model number 666.

Mr. Bonsall: Now, you had one yellow brochure there this morning. I will ask that these be marked as Government's exhibit next in order for identification.

The Court: So ordered.

The Clerk: Government's Exhibit 10 for identification.

(Three copies of bills of sale in question

(Testimony of Frank A. Chambers.)

were thereupon marked United States Exhibit No. 10 for identification.) [18]

Mr. Bonsall: Q. I show you this document, marked "Veterans trucks and trailers for sale June 25 and 26, San Francisco, Masonic Hall, 25 Van Ness Avenue," and other marks on the War Assets Administration, and ask you what this brochure is.

A. This is a brochure for a veteran's set-aside sale, sale number 45378. This set-aside sale was opened on June the 25th and continued until all property was sold to veterans.

Q. Was all property under that sale limited to veterans?

A. Below the property on the set-aside list, "to be sold to no one other than veterans of World War II."

Q. That is the brochure that shows this Chevrolet truck regarding which you have testified?

A. That is correct.

Q. Now, I notice in the brochure names written in in pencil. What do they represent?

Q. On the original date of the sale, which is June 25-26, as shown here, those veterans who had filed orders for the purchase of property, in the allocation of those requests an entry was made at the time they were allocated to indicate that the individual veteran named there shown had received an award.

Q. That is the official office record of that allocation? A. That is correct.

Q. From your files?



(Testimony of Frank A. Chambers.)

A. That is correct. It is the master file copy retained by the Automotive Section. [19]

Q. Now, may I ask to whom this is distributed?

A. The catalogue is the mode and method by which we notify veterans of purchases of property that we have for sale. After application is filed and a pink slip is issued—those pink slips are used to create a mailing list—to those on the mailing list, these catalogues are sent so as to enable them to participate in sales. There are others distributed to the various veterans' groups and generally speaking, we would have a surplus amount for distribution through the office in conjunction with the mailing.

Q. And this sale of the Chevrolet, then, was under the set-aside?      A. That is correct.

Mr. Bonsall: I ask that this be marked in evidence as Government's Exhibit 1 in evidence.

The Court: So ordered; no objection?

Mr. Tramutolo: No objection.

The Clerk: May it be marked Government's Exhibit 11 in evidence?

(The brochure in question was thereupon received in evidence and marked United States Exhibit No. 11.)

Mr. Bonsall: The jury might like to examine it while we are proceeding.

The Court: You might direct the jurors' attention to the particular passage or page. [20]

Mr. Bonsall: Q. What page is that on?

A. I would have to find it.

(Testimony of Frank A. Chambers.)

The Court: Otherwise the book would have no materiality.

The Witness: I think it is item 289, is it not?

The Court: I assume that page shows—

Mr. Bonsall: Q. Do you have the page number?

A. No, I don't.

Mr. Bonsall: It is on the other documents introduced in evidence.

The Court: I direct the jury's attention to the passage by reading it through the witness.

Mr. Bonsall: I only want to direct attention to the fact that the White truck appears in this brochure—or the Chevrolet.

The Witness: I think this refers to the Chevrolet truck, aerial gunnery type, ton and a half, that appears at page 26. It is the first line item. There is no entry made of Csaki's name indicating that he had made a purchase of it after the original allocation had been made.

Mr. Bonsall: That is the only reason I wanted the jury to see it.

Q. Now, you have another brochure with a blue cover, is it?

A. With a green cover, I believe.

Q. All right. May I see that, please? This is entitled "Northern California-Nevada trucks over 2½ tons and truck [21] tractors for sale, federal agencies June 3-17, veterans World War II June 24 to July 12; small business certified by RFC July 22 to August 2; state and local governments July 22 to August 6; non-profit institutions July 22 to August 7 in War Assets Administration."

(Testimony of Frank A. Chambers.)

I will ask you what this brochure is.

A. This brochure is an offering or catalogue of material available to all priority holders in their sequence established by law. This type sale is normally called a cycle sale, as distinguished from a set-aside sale.

Q. Does that brochure show the three White trucks concerning which you have previously testified?      A. It does.

Q. Where do they appear?

A. If I may answer this way, this sale differs from the last in that property had to be sold by the deadline date as shown in the brochure to each of the priority groups, so that to participate in this sale an order had to be placed and allocation was then made to veterans so that the allocation made in this instance shows the name of Oscar Csaki appearing on each of the three trucks that he purchased in this sale.

Q. On what page of the brochure?

A. There are two listed on the first page—

Q. On what line?

A. (Continuing) —of the brochure, the second line for tag No. [22] 614 and then on the fifth line for tag No. 617. Then on page 2, under Tag No. 540, two, four, six, eight, ten, twelve, that would be line No. 14.

Q. I notice in this book the names of some people written in above the respective articles in pencil. What does that represent?

A. That represents that these are the veterans

(Testimony of Frank A. Chambers.)

to whom allocation has been made. It is the master file retained by the Automotive Section.

Q. Are those names of veterans?

A. They are.

Q. Do you find Csaki's name written in on these three trucks?

A. I find Csaki's name written in on the three trucks.

Mr. Bonsall: I ask that this be marked as Government's exhibit in evidence No. 2.

The Court: So ordered.

Mr. Tramutolo: I take it, your Honor, it is restricted merely to the transactions involved in this case.

Mr. Bonsall: That is true.

The Clerk: Government's Exhibit No. 12 in evidence.

Mr. Bonsall: Q. Before a veteran can purchase at all, he has to make application to you, does he not? A. That is correct.

Q. And I think you testified those applications were made on form 66. [23]

A. That is correct.

Q. Have you any of those forms 66 relating to Csaki?

A. I have two in my possession. The first filed by Oscar Csaki bears date December 11, 1945. It was filed in the War Assets office apparently by mail. There is no record of any action ever having been taken on this application.

Mr. Bonsall: All right, I will ask that this be



(Testimony of Frank A. Chambers.)

marked in evidence as Government's exhibit next in order.

The Court: So ordered.

The Clerk: Marked Government's Exhibit 13 in evidence.

(Form 66 dated December 11, 1945 was thereupon received in evidence and marked United States Exhibit No. 13.)

Mr. Bonsall: Q. Do you have another one of these forms executed by Mr. Csaki?

A. I do. I have an application here showing it to be a supplemental application for Oscar Csaki. It bears the date of March the 27th, 1946, and shows that the veteran was in the business of pick-up and delivery and requested a number of trucks at that time. This application was approved on March the 27th, 1946, and form 63, the pink slips, were issued against it.

Q. Now, I notice under 18 here this provision: "I am not procuring the property listed in this application for the purpose of resale; that said property is to be used in and as part of the enterprise described herein."

Was that provision in there when that was filed with you? [24]

A. That is correct.

Q. Then appears the signature of Oscar Csaki?

A. That is correct.

Q. Below that there is what purports to be a certificate. What form of certificate is that?

A. Below there is the certificate or there is the information pertaining to the veteran's military service?

(Testimony of Frank A. Chambers.)

Q. Who prepares that and how is that executed?

A. The interviewer enters that at the time the applicant presents the application, and he must present some proof of discharge or honorable discharge from the service, and this entry as to his military status is entered at that time by the interviewer.

Mr. Bonsall: Pardon me just a moment.

Q. Now, again inviting your attention to Exhibit No. 12 in evidence, you stated that the property indicated by pencil marks was all allocated to veterans under their priorities, is that correct?

A. That is correct.

Q. Now, was there much property left over after the allocation to veterans?

A. There doesn't appear to be much there. There might be. There might conceivably be one or two, one or two items that went on to the lower priority of small business.

Q. But that is all, the rest was allocated to veterans? [25]

A. The rest was taken to veterans.

Mr. Bonsall: All right. Just a moment, your Honor.

Q. You know John Stephen Hildebrand, don't you?

A. I do.

Q. How long have you known him?

A. Well, since March of 1946.

Q. What was his occupation while you knew him?

(Testimony of Frank A. Chambers.)

A. He was associated with the War Assets Administration in the Automotive Section.

Q. And how long was he employed there?

A. He was employed by War Assets—I have a record here of his employment.

Q. You have an official record of his employment?

A. If I may refer to it. This is an extract of the official records and only shows that he was originally employed by us on October 30, 1945 and resigned on May 31, 1946.

Q. What was the nature of his duty while he was employed by the War Assets Administration?

A. We show him in the position of inventory clerk in the Automotive Section.

Q. What would an inventory clerk in the Automotive Section do, exactly?

A. Well, specifically their duties were numerous and somewhat flexible, but in general they were concerned with the control of the copy of the pink slips that were sent to that section. [26] They also aided and assisted veterans in making out the required forms for purchase, and also aided in the allocation of material and property at the conclusion of a sale.

Q. Do you have a form 66 there?

A. I do. I have that supplemental form.

Mr. Bonsall: I ask that this be marked in evidence as Government's exhibit next in order, your Honor.

The Court: What is the form?

(Testimony of Frank A. Chambers.)

Mr. Bonsall: Application 66, application for priorities, identifying the application of Oscar Csaki. I believe he has done that.

The Witness: That is correct.

Mr. Bonsall: To purchase certain property, dated March 27, 1946.

The Court: So ordered.

Mr. Tramutolo: What number is that?

Mr. Bonsall: He hasn't given it a number.

The Clerk: Government's Exhibit 14.

(Form 66 referred to was thereupon received in evidence and marked United States Exhibit No. 14.)

Mr. Bonsall: Government's Exhibit 14.

Q. Do you know Mr. DeBon, the defendant DeBon? A. I do not, no

Q. Do you have any record of any transactions with your office by Mr. DeBon? [27]

A. Well, the records show that he has had numerous, very many purchases from us.

Q. When did these purchases start?

A. Well, our records show that the first purchase made by Mr. DeBon was on April 4, 1946.

Q. April 4, 1946, and numerous purchases since that time? A. Since that time.

Q. Do you know the aggregate amount of those purchases? A. No, I do not, sir.

Q. All right, were those purchases made by Mr. DeBon made as a veteran? A. No.

Q. These others were lower priority purchases?

A. Made either on one of two bases, either un-



(Testimony of Frank A. Chambers.)

der the category of general public or non-priority basis or by the exercise of priority in the small business level under RFC.

Q. Now, I presume this whole Government's Exhibit 12 was distributed the same as the circular, Government's Exhibit 11.

A. Except that it had wider distribution. 11 was limited to veterans, and that went to all priority holders.

Mr. Bonsall: That's all.

### Cross Examination

Mr. Tramutolo: May I see Exhibit No. 14?

Q. Mr. Chambers, I show you again Government's Exhibit No. 14 of a supplemental order, or how do you designate that particular [28] document? I would like to get your designation of it.

A. That would be an application form, form No. 66.

Q. In other words, this was prepared by the veteran Oscar Csaki for the things that he wanted back in March of 1946, to be exact, March the 27th, 1946?

A. That's correct.

Q. And he enumerates on here jeep, quarter-ton trailers, pickup truck, dump truck and three van trucks. Does that three van trucks refer to the White trucks in this particular transaction?

A. This application was filed and is filed—an application is filed for what the veteran needs in his particular enterprise without ever having specific knowledge that such knowledge will ever be available.

(Testimony of Frank A. Chambers.)

Q. In other words, that is what he is on the lookout for.      A. That is right.

Q. In other words, I notice here that an ambulance or panel and delivery one-half or three-quarter one-ton truck. All the materials listed on this application, Government's Exhibit 14, when the material is available, then he is qualified to get it?      A. He is notified.

Q. He is notified?      A. That is correct.

Q. Then he gets the various documents that you have introduced, [29] and finally gets title to the property after it is paid for.

A. That's correct.

Q. He filed an original application, as I believe you testified. The previous one was filed in December of 1945, dated December—well, this also is dated. I notice here.

A. I think you will find the date on the back.

Q. They have on the front "3-26-46".

A. That refers specifically to that, that was issued.

Q. Who scratched out all of these other descriptions such as he put in at the top of a three-quarter or half-ton truck Chevrolet type General Motors, Chevrolet, Dodge or Ford, flatbed; I notice he asked for a four-door sedan, preferred a Plymouth or Chevrolet and what not; who scratched that out?

A. The specific individual that scratched it out I can't answer.

(Testimony of Frank A. Chambers.)

Q. You don't know whether Csaki did it or the interviewer or a screener, as you call it?

A. I know it was done by the screener or interviewer, because the veteran is permitted to secure only those items tied into his business and actually necessary in his business.

The Court: What was the indication of his business?

The Witness: The indication in the first application was that he was buying waste materials, bags and metals. The second application was pickup of scrap iron from metal businesses.

Mr. Tramutolo: Q. When the applicant fills out these two [30] forms that I have just shown you, and he is interviewed by someone employed by War Assets as to his need for this particular property? A. That's correct.

Q. And they ascertain that he is a veteran of good standing, honorably discharged.

A. That is correct.

Q. And they ask where his place of business is to be and all the details essential to this application.

A. They ask sufficient questions to determine that the request is valid, yes.

Q. When the applicant is interviewed—in this particular case Mr. Csaki—is he accompanied by anyone or was he interviewed alone or is he interviewed alone?

A. I can't answer that, or do you mean as a matter of custom?

(Testimony of Frank A. Chambers.)

Q. That is right.

A. He is customarily interviewed alone, unless he likes to bring someone with him. There may be any reason why he has someone with him.

Q. Was Csaki an employee of War Assets?

A. He was not.

Q. The only man who was employed was John Steven Hildebrand, the other man mentioned in this indictment?

A. That is correct.

Q. And you say you do not know Mr. DeBon?

A. No, I do not.

Q. But the records do reveal numerous transactions with the Government?

A. That's correct.

Q. Do you know how recently was the most recent transaction Mr. DeBon had with the Government?

A. I know of a transaction he had last Thursday at a spot sale.

Q. Do you know the nature of that particular transaction, the nature of the purchases made at that time by him?

Mr. Bonsall: I don't think they are in issue here.

The Court: Sustained.

Mr. Bonsall: It is objected to for that reason.

Mr. Tramutolo: That's all, your Honor.

The Court: Step down. Call your next witness.

Mr. Bonsall: Mr. Ench. I will put on two or three witnesses out of order, your Honor, like representatives of the Motor Vehicle Department.

(Testimony of Frank A. Chambers.)

The Court: Can you stipulate to the nature of the testimony?

Mr. Tramutolo: Mr. Bonsall, if you will just state to the Court what you expect to prove by them, perhaps we can expedite it.

Mr. Bonsall: I expect to prove that certain of these trucks were registered with the Motor Vehicle Department and [32] the Chevrolet was not registered, but I can prove by the Motor Vehicle Department that there was a bill of sale filed with them from Csaki to DeBon.

Mr. Tramutolo: I will stipulate that is true.

Mr. Bonsall: And that all the remaining cars were transferred of record from Mr. Csaki to Mr. DeBon, according to the records of the Motor Vehicle Department.

Mr. Tramutolo: You have a bill of sale from Mr. Csaki to Mr. DeBon?

Mr. Bonsall: For the Chevrolet, and that the other cars were regularly transferred. I have the records here and photostats of the records.

The Court: The Motor Vehicle Department agent has the photostats?

Mr. Bonsall: He has, your Honor. I would like to have them in evidence in place of the originals.  
Mr. Ench.



## FRANK B. ENCH

was called as a witness on behalf of the United States, and having been duly sworn, testified as follows:

The Clerk: Will you state your name to the Court and jury?

The Witness: Frank B. Ench, E-n-c-h.

## Direct Examination

Mr. Bonsall: Q. Mr. Ench, what is your occupation?

A. I am supervisor of the branch offices of the Department of [33] Motor Vehicles of the State of California.

Q. You were subpoenaed to produce here today certain records? A. Yes, sir.

Q. One relating to a Chevrolet, motor BV-488-492. Do you have that record with you?

A. Yes, sir.

Q. May I see it, please?

The Court: Mr. Tramutolo, would you examine these as we go along?

Mr. Bonsall: He hasn't examined these, your Honor. I didn't have them.

The Witness: The photostats are on top. The records are down below.

Mr. Bonsall: Q. Will you pick out the record of the transaction, the transfer from Mr. Csaki to Mr. DeBon?

The Court: The motor number and identity of the vehicle.

Mr. Tramutolo: If that all pertains to deals be-

(Testimony of Frank B.ENCH.)

tween, or whatever you have in the way of documents from Mr. Csaki to Mr. DeBon, I will stipulate Mr. ENCH is an employee of the State government who has a right to produce them in court.

The Court: Identify the motor vehicle in question, whether a White truck or Chevrolet.

Mr. Bonsall: Q. Give your record of that transaction as you have it.

A. Bill of sale purported to be signed by Oscar Csaki, C-s-a-k-i, [34] 75 Roteck Street, San Francisco, selling Chevrolet engine BV-488492, serial number 9NE22-4254 to the DeBon Motor Company.

Mr. Bonsall: Q. Do you have a photostat of that document? A. Yes, sir.

Q. Was that ever registered in the State of California? A. No, sir; no, sir.

Mr. Bonsall: All right, that is all.

I will ask that this photostatic bill of sale be introduced in lieu of the original, Mr. Tramutolo.

Mr. Tramutolo: No objection.

Mr. Bonsall: To be marked in evidence as Government's Exhibit next in order.

The Clerk: Government's Exhibit 15 in evidence.

Mr. Bonsall: Q. You were also asked to produce the records of registration of White truck motor number HXC324938. A. Yes, sir.

Q. Have you that? A. Yes, sir.

Q. The original and photostat of that registration? A. Yes, sir.

Q. What I want is the transfer, if it is shown, from Mr. Csaki to Mr. DeBon.

(Testimony of Frank B. Eneh.)

The Court: If it does show. [35]

Mr. Bonsell: Q. If it does show.

A. Yes, sir, this is the document right here.

Q. Where is the photostat of it?

Here is the original, Mr. Tramutolo.

Mr. Tramutolo: Bill of sale?

Mr. Bonsall: Yes.

Mr. Tramutolo: I want the Court and jury to know, your Honor, that we make no denial of the purchase of the three trucks and I said this morning two Chevrolets, although they restrict it to one Chevrolet, so if that will save time, Mr. Bonsall—

Mr. Bonsall: I would still like to put these records in while I have them here.

The Court: There is really no issue raised by the defense on this aspect of the case. Mr. Tramutolo has stipulated that the four vehicles in question found their way and title vested in the DeBon Motors, from Csaki, the veteran.

Mr. Tramutolo: That is correct, your Honor.

The Court: What more do you want?

Mr. Bonsall: I don't want any more.

The Court: Ladies and gentlemen of the jury, in expedition of the trial of the case, very often in connection with documentary evidence and the like, stipulations are entered into between counsel, and the stipulation has the same force and effect as testimony orally adduced through the medium of a [36] witness. Therefore in the light of that stipulation you take as an admitted fact in this



case the automobiles or vehicles in question which Csaki purchased through the WSA ultimately found their way into the possession of the defendant DeBon through the DeBon Motor Company.

All right.

Mr. Bonsall: All right, call Mr. Solini next. I think there could be a stipulation here that we were bringing this witness, an officer from the Bank of America, here to show that Mr. DeBon secured certified checks to pay for these cars from that institution, and we have photostatic copies of the checks in question.

The Court: I assume there is no question on it.

Mr. Tramutolo: None at all.

The Court: Will you state the stipulation?

Mr. Tramutolo: That Mr. DeBon got the cashier's checks and paid War Assets Administration for the trucks in question from the Bank of America.

Mr. Bonsall: All right.

The Court: Is that clear, ladies and gentlemen? All right, the stipulation is made a matter of record between counsel.

Mr. Bonsall: Mr. Hildebrand.

The Court: The witness from the Bank of America is excused.

Mr. Tramutolo: That is quicker than they could declare a dividend, your Honor.

Mr. Bonsall: Mr. Hildebrand.

[Endorsed]: No. 11841. United States Court of Appeals for the Ninth Circuit. Ed DeBon, Appellant, vs. United States of America, Appellee. Second Supplemental Transcript of Record. Appeal from the District Court of the United States for the Northern District of California, Southern Division.

Filed October 8, 1948.

/s/ PAUL P. O'BRIEN,  
Clerk of the United States Court of Appeals for  
the Ninth Circuit.

In the United States Circuit Court of Appeals  
For the Ninth Circuit

No. 11841

ED DeBON,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

STIPULATION AND ORDER THAT TESTI-  
MONY OMITTED FROM RECORD ON AP-  
PEAL BE MADE A PART THEREOF AND  
THAT APPELLANT'S TIME FOR FILING  
HIS OPENING BRIEF ON APPEAL HEAR-  
ING BE EXTENDED

Whereas the Designation of Contents of Record on appeal filed in the court below (R. 24) required a reporter's transcript of the evidence and all jury instructions offered and given to be included in the record on appeal and whereas the testimony of Frank Chambers, a witness for the prosecution and said instructions, by inadvertance, were omitted from said record, it is stipulated that the said testimony of said witness and appellant's instruction offered but not given to the jury may be printed and added to said transcript of record on appeal and that the appellant

may have to and including the 13th day of October, 1948, within which to serve and file his opening brief on appeal herein.

FRANK J. HENNESSY,  
U. S. Attorney.

By /s/ EDGAR R. BONSALE,  
Assistant U. S. Attorney,  
Attorney for Appellee.

/s/ CHAUNCEY TRAMUTOLO.

So Ordered: Sept. 13, 1948.

/s/ WILLIAM DENMAN,  
United States Circuit Judge  
Presiding.

[Endorsed]: Filed September 18, 1948. Paul P.  
O'Brien, Clerk.